



Paper No. 4

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OFFICE OF PETITIONS

In re Application of
Wu
Application No.: 09/993,426
Filed: November 16, 2001
Attorney Docket No. PKR 2 0715
FOR: MULTIPLE PREPARATORY
EXCITATIONS AND READOUTS
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CYCLE

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: DECISION GRANTING
: PETITION
:

This is a decision on the petition entitled "REQUEST FOR CORRECTED FILING RECEIPT-- PETITION TO ACCORD THE FILING DATE SHOWN ON THE EXPRESS MAIL LABEL "DATE-IN," filed February 19, 2002 (certificate of mailing date February 1, 2002), requesting that the above-identified application be accorded a filing date of November 16, 2001, instead of the presently accorded date of November 26, 2001.

Petitioner alleges that the application was deposited in "Express Mail" service with the U. S. Postal Service, on November 16, 2001. In support, petitioner provided a copy of the Express Mail label, receipt no. EL852685033US, showing a Date-In of November 16, 2001. The same Express Mail receipt number was referred to in the original Application Transmittal Letter submitted with the original filing. Petitioner requests that the application be accorded a filing date of November 16, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on November 16, 2001.

In view of the above, the petition is granted.

As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 16, 2001. The Office of Initial Patent Examination will mail a corrected filing receipt showing the filing date as November 16, 2001.

Thereafter, the application will be returned to Technology Center 3700 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703)308-6712.



E. Shirene Willis
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy